THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITON NO. 4986 OF 2006

Dated: 14-03-2006

BETWEEN:

1. Pragada Kanna Rao and 15 others … Petitioners

and

The Sub Collector (L.A.)

Indira Sagar Project

Rajahmundry, East Godavari District

And another … Respondents

THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITON NO. 4986 OF 2006

ORDER:

Petitioners filed this writ petition seeking to direct the respondents to grant time for harvesting the standing crop i.e. Mango crop in their lands in ac.0.38 cents in S.No. 149/12A, ac.0.36 cents in S.No.102/6B, Ac.0.20 cents in S.No.92/7D, Ac.0.12 cents in S.No.92/5C, ac.0.31 cents in S.No.92/5G, ac.0.36 cents in S.No.102/7B, ac.0.20 cents in Sk.No.148/7B, ac.0.31 cents in S.No.104/3D, 0.37 cents in S.No.149/2A, ac.0.26 cents in S. No.104/2, ac.0.66 cents in S.No.103/1A, ac.0.23 cents in S.No.102/5B, ac. –17 cents in S.No.24/1, ac.0.32 cents in S.No.137/3A, ac.0.32 cents in S.No.137/3C, ac.0.18 cents in S.No.137/1, ac.0.39 cents in S.No.136/15, 0.26 cents in S.No.137/18, ac.0.13 cents in S.No.138/2B, and ac.0.43 cents in S.No.102/2B respectively in Donkada village, Nakkapally Mandal, Visakhapatnam

district in pursuance of the notification under Section 4(1) of the Land Acquisition Act.

Heard the learned counsel appearing for the petitioners and the learned Government Pleader for the respondents and perused the material on record.

Learned counsel for the petitioners submits that the petitioners out of the lands possessed by them ac.0.38 cents in S.No. 149/12A, ac.0.36 cents in S.No.102/6B, Ac.0.20 cents in S.No.92/7D, Ac.0.12 cents in S.No.92/5C, ac.0.31 cents in S.No.92/5G, ac.0.36 cents in S.No.102/7B, ac.0.20 cents in Sk.No.148/7B, ac.0.31 cents in S.No.104/3D, 0.37 cents in S.No.149/2A, ac.0.26 cents in S. No.104/2, ac.0.66 cents in S.No.103/1A, ac.0.23 cents in S.No.102/5B, ac. –17 cents in S.No.24/1, ac.0.32 cents in S.No.137/3A, ac.0.32 cents in S.No.137/3C, ac.0.18 cents in S.No.137/1, ac.0.39 cents in S.No.136/15, 0.26 cents in S.No.137/18, ac.0.13 cents in S.No.138/2B, and ac.0.43 cents in S.No.102/2B respectively are sought to be taken under the provisions of the Land Acquisition Act for the purpose of Indira Sagar Project, Polavaram, East Godavari District. It is stated that Section 4(1) notification dated 14-12-2005 under Land Acquisition Act (for short 'the Act') was published on
21-12-2005 and the enquiry under Section 5(A) of the Act was dispensed with. Since the enquiry under Section 5(A) of the Act has been dispensed with, notice under Sections 9(3) and 10 of the Act has been issued to the petitioners calling upon the petitioners to submit their representations in writing showing their interest in the lands the amount of compensation for such interest with particulars thereof and the objections if any to the measurements made under Section 8 of the Act and to put in a statement containing, so far as may be practicable, the name of every other person possessing any interest in the land or any part of it as Co.proprietor, sub-proprietor or mortgagee, tenant etc., to be furnished. It is stated that pursuant to the said individual notice dated 12-01-2006, petitioners have filed a joint representation stating that they have agreed for acquiring their lands at the rate of Rs.1,56,000/- per acre and also agreed with the compensation for the Mango trees depending upon their ages from Rs. 800/- to Rs.1000/-. But at present the said Mango and Cashewnut trees are at the flowering stage and they have invested lot of their money for the year to get the crop in the month of April and May, 2006 and therefore they have made a request either to pay the compensation for the standing crop or to postpone the programme for taking over possession for a limited period or to permit

them to harvest the crop.

I am of the opinion that there is no apprehension of not taking into consideration the said representation filed by the petitioners as the notice itself is given to the petitioners calling upon their interest in the lands the amount of compensation for such interest with particulars thereof.

Having regard to the facts and circumstances of the case as it is a time bound programme whether the petitioners can be permitted to harvest the crop is a matter to be considered by the respondents, but the respondents may consider the said representation and make a note of the physical features about the standing crop so as to enable them to make an appropriate claim for the payment of the compensation in the standing crop also.

Writ petition is accordingly disposed of. No order as to costs.

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V. ESWARAIAH, J.

Dated: 14-03-2006

Note:

Issue C.C. within three days.

(B/O)

RNS